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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Case No. 4:20-cv-05640-YGR-TSH

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,
v.
APPLE INC.,

Defendant, Counterclaimant.

**EPIC GAMES, INC.'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE SUR-REPLY IN
RESPONSE TO APPLE'S REPLY
IN SUPPORT OF ITS MOTION TO
STRIKE WRITTEN AND ORAL
TESTIMONY OF DR. MICHAEL I.
CRAGG**

The Honorable Yvonne Gonzalez Rogers

1 Pursuant to Civil Local Rule 7-11, Epic Games, Inc. (“Epic”) hereby moves the Court
2 for an administrative order granting it leave to file the sur-reply, supporting declaration and
3 exhibit attached hereto as Exhibits A, B and C in order to address certain points raised for the
4 first time in Apple Inc. (“Apple”)’s Reply in Support of Its Motion to Strike Written and Oral
5 Testimony of Dr. Michael I. Cragg Regarding Foreign Regulatory Submissions of a Non-Party
6 (ECF No. 703)

7 Leave to file a sur-reply should be granted “in the interests of completeness and judicial
8 efficiency.” *In re: Cathode Ray Tube (CRT) Antitrust Litig.*, 2014 WL 7206620, at *1 n.2
9 (N.D. Cal. Dec. 18, 2014); *see, e.g., Tounget v. Valley-Wide Recreation & Park Dist.*, 2020 WL
10 8410456, at *2 (C.D. Cal. Feb. 20, 2020) (citing cases and noting a sur-reply is proper “to
11 consider evidence or arguments that give a more complete picture of the issues in need of
12 resolution”). These interests of completeness and judicial efficiency are present here. As
13 explained in Epic’s proposed sur-reply, Apple’s Reply in Support of Its Motion to Strike
14 grossly mischaracterizes Dr. Cragg’s trial testimony and accuses Dr. Cragg of making false
15 representations to the Court—assertions that Apple did not make in its opening brief. Epic’s
16 sur-reply seeks to clarify Apple’s mischaracterizations and rebut Apple’s false claims about Dr.
17 Cragg’s testimony by offering additional context omitted by Apple.

18 For the foregoing reasons, Epic respectfully requests that the Court grant it leave to file
19 the sur-reply, supporting declaration and exhibit attached hereto.
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Respectfully submitted,

By: /s/ Yonatan Even
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